## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT DANVILLE, VA for FILED Roandle

AUG 25 2005 JOHN F. CORCORÁN/AD/ERK

DOMESTIC AL DDITTON	BY: Som for the DEPUTY CLERK	;
DEVINCHE ALBRITTON, Plaintiff,	Civil Action No. 7:05ev00384	
v.	) <u>MEMORANDUM OPINION</u>	
	) <u>&amp; ORDER</u> )	

By: Jackson L. Kiser

Senior U.S. District Judge

This matter is before the court upon plaintiff's motion for preliminary injunctive relief, document number 14. Plaintiff requests that this court issue a preliminary injunction ordering that he be given access to the prison law library at least 4 days per week, that he be permitted to make his own copies of documents or that copies be immediately made in his presence, and that he be given immediate access to notary services.

GENE JOHNSON, et al.,

Defendants.

Preliminary injunctive relief is an extraordinary remedy that courts should apply sparingly. See Direx Israel, Ltd. v. Breakthrough Med. Corp., 952 F.2d 802, 811 (4<sup>th</sup> Cir. 1991). In determining whether preliminary injunctive relief should be granted, the court applies the "balance of hardship" test. Wetzel v. Edwards, 635 F.2d 283, 287 (4<sup>th</sup> Cir. 1980). Under this test, the court should consider four factors: 1) whether the plaintiff will suffer irreparable harm if the relief is not granted; 2) the likelihood of harm to the defendant if relief is granted; 3) the likelihood that plaintiff will eventually succeed on the merits; and 4) whether public interest lies with granting relief. Blackwelder Furniture Co. of Statesville, Inc. v. Seilig Mfg., Co., 550 F.2d 189, 195 (4<sup>th</sup> Cir. 1977). Without a showing that plaintiff will suffer imminent, irreparable harm, the court cannot grant interlocutory injunctive relief. Rum Creek Coal Sales, Inc. v. Caperton, 926 F.2d 353, 360 (4<sup>th</sup> Cir. 1991).

In his request for injunctive relief, plaintiff has not alleged any facts which suggest he is likely to suffer imminent, irreparable harm. As such, it is hereby

## **ORDERED**

that plaintiff's request for injunctive relief shall be and hereby is **DENIED**.

The Clerk of the Court is directed to send a certified copy of this Memorandum Opinion & Order to plaintiff.

ENTER: This \_\_\_\_\_\_of August, 2005.

Senior U.S. District Judge